

Conference Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
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Second Regular Session
2010

CHAPTER 314

HOUSE BILL 2113

AN ACT

AMENDING SECTION 15-1409, ARIZONA REVISED STATUTES; AMENDING SECTION 15-1441, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 48, SECTION 1; REPEALING SECTION 16-322, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 48, SECTION 3; AMENDING SECTION 16-322, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 17, SECTION 21; AMENDING LAWS 2010, CHAPTER 48, SECTION 4; RELATING TO COMMUNITY COLLEGE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1409, Arizona Revised Statutes, is amended to
3 read:

4 15-1409. Provisional community college districts; formation;
5 governing board; powers and duties; issuance and
6 sale of bonds for capital outlay

7 A. A provisional community college district shall contract with an
8 existing community college district to provide instructional and student
9 services within the provisional community college district.

10 B. The minimum assessed valuation and population requirements
11 prescribed in section 15-1402 do not apply to provisional community college
12 districts.

13 C. A provisional community college district shall be formed and a
14 provisional community college district GOVERNING board shall be elected in
15 the same manner prescribed in sections 15-1403, 15-1404 and 15-1441, except
16 that the county board of supervisors by majority vote may adopt a resolution
17 to submit the question of the formation of a provisional community college
18 district and the approval of a proposed tax rate to fund the provisional
19 community college district directly to the qualified electors of the county
20 at a special or general election called for that purpose as prescribed in
21 section 16-204 and title 35, chapter 3, article 3. The resolution adopted by
22 the county board of supervisors shall include a statement that the primary
23 property tax levy limit for the provisional community college district shall
24 be no less than the levy limit of the most recently formed community college
25 district in this state.

26 D. Except as provided in this section, a provisional community college
27 district governing board has the same powers and duties specified in section
28 15-1444 for community college districts.

29 E. A provisional community college district shall not award degrees,
30 certificates or diplomas.

31 F. A provisional community college district is not eligible to receive
32 equalization aid pursuant to section 15-1468 or state contribution for
33 capital outlay for initial or additional campuses pursuant to section
34 15-1463.

35 G. The state aid eligibility requirements prescribed in section
36 15-1466, subsection G, paragraphs 1 and 2 do not apply to provisional
37 community college districts.

38 H. Notwithstanding any other law, the same student shall not be
39 counted twice as a full-time equivalent student in both a provisional
40 community college district and a community college district. Notwithstanding
41 any other law, beginning with the fiscal year after the year in which the
42 provisional community college district is formed and has established its
43 primary tax rate, a district that provides services in a provisional district
44 pursuant to section 15-1470 shall no longer count these students in the
45 district's full-time equivalent student count.

1 I. If a provisional community college district is converted into a
2 community college district by the formation of a community college district
3 pursuant to section 15-1402, the provisional community college district is
4 dissolved and any equipment, property, personnel, liabilities and assets are
5 transferred to the community college district.

6 J. If a provisional community college district is formed in a county
7 that provides reimbursement for the attendance of nonresident state students
8 pursuant to section 15-1469, that county shall continue to provide
9 reimbursement payments to community college districts for the remainder of
10 the fiscal year in which the provisional community college district is
11 formed, provided that the county board of supervisors adopts a levy that is
12 at least equal to the sum of the reimbursement payments and the amount of the
13 community college services provided in the fiscal year immediately before the
14 formation of the provisional community college district.

15 K. The board of supervisors of a county that has formed a provisional
16 community college district may by majority vote MAY enter into an
17 intergovernmental agreement to loan monies to the governing board of the
18 provisional community college district in an amount that does not exceed two
19 hundred thousand dollars. Any loan pursuant to this subsection shall be
20 repaid from the next scheduled collection of property taxes to fund the
21 provisional community college district. The annual interest charges on any
22 loan pursuant to this subsection shall not exceed five per cent.

23 L. A PROVISIONAL COMMUNITY COLLEGE DISTRICT MAY ISSUE BONDS FOR
24 CAPITAL OUTLAY PURPOSES IN THE SAME MANNER PRESCRIBED IN SECTION 15-1465 FOR
25 COMMUNITY COLLEGE DISTRICTS. THE GOVERNING BOARD OF THE PROVISIONAL
26 COMMUNITY COLLEGE DISTRICT IS SOLELY RESPONSIBLE FOR DETERMINING THE
27 ENCUMBRANCE AND APPROVAL OF THE EXPENDITURE OF THE PROCEEDS OF THE BONDS
28 ISSUED PURSUANT TO THIS SUBSECTION AND SHALL NOT DELEGATE OR TRANSFER THIS
29 AUTHORITY TO ANY OTHER ENTITY.

30 Sec. 2. Section 15-1441, Arizona Revised Statutes, as amended by Laws
31 2010, chapter 48, section 1, is amended to read:

32 15-1441. Selection of precincts; district board members; terms;
33 qualifications; vacancies

34 A. The board of supervisors shall establish in the same manner as
35 provided in section 16-411 five precincts in a community college district for
36 the election of a district board member from each precinct. A precinct in a
37 community college district shall be composed of the number of election
38 precincts as determined by the board of supervisors and shall have the same
39 boundaries as are defined for the election precincts under section 16-411.
40 If the board of supervisors redefines the boundaries of election precincts
41 under section 16-411 that are included within a precinct in a community
42 college district, the board of supervisors shall redefine the boundaries of
43 the precinct in the community college district to conform with the election
44 precinct changes. The precincts shall be established in a newly organized
45 district subsequent to the organizational vote, and the county school

1 superintendent shall appoint five members, one from each precinct, who are
2 qualified electors.

3 B. Where two or more counties constitute a district, as many precincts
4 shall be set up by the board of supervisors in each county as the county is
5 entitled to membership. In no case shall a county that is part of a district
6 have more than four precincts, and where a district consists of two or more
7 counties at least one member shall reside in each county.

8 C. At the first general election held for a district, the candidate
9 having the most votes in each precinct shall be declared elected, provided
10 the candidate meets the requirements provided in subsection A of this
11 section. The two elected members having the highest number of votes receive
12 six year terms, the two elected members receiving the next highest number of
13 votes receive four year terms and the one elected member receiving the lowest
14 number of votes receives a two year term. Thereafter each member's term is
15 six years, except for a county with a population of at least three million
16 persons, beginning in AT the next election after the effective date of this
17 ~~amendment to this section~~ JUNE 30, 2012, each member's term is four years.

18 D. The next general election of district board members following the
19 first general election shall be for the precinct where the elected candidate
20 received the lowest number of votes and the second general election for the
21 two precincts where the elected candidates received the next highest number
22 of votes and the third general election for the two precincts where the
23 elected candidates received the highest number of votes. The order of
24 elections as established through this procedure shall thereafter be the order
25 of precinct elections.

26 E. Vacancies shall be filled by appointment by the county school
27 superintendent for the unexpired term for the precinct where the vacancy
28 occurs, except that if the unexpired term is two years or longer, the county
29 school superintendent may do one of the following:

30 1. Make an appointment for a term, which shall be until the next
31 regular election for district board members, at which time a successor shall
32 be elected to serve the unexpired portion of the term.

33 2. With the approval of the district board, leave the vacancy until
34 the next regular election for governing board members, at which time a
35 successor shall be elected to serve the unexpired portion of the term.

36 F. When a vacancy occurs in a district with more than one county, the
37 county school superintendent of the county where the previous incumbent
38 resided shall fill the appointment for the unexpired term.

39 G. A county officer as provided in section 11-401 is not eligible to
40 serve as a member of a community college district governing board during his
41 term of office.

42 H. Employees of a community college district or their spouses are not
43 eligible to hold membership on the community college district governing board
44 in the district in which the employee is employed.

1 I. BEGINNING JULY 1, 2012, in addition to the governing board members
2 who are elected from each of the five precincts in a community college
3 district, a county with a population of at least three million persons shall
4 elect two additional governing members from the district at large. At the
5 first general election held to elect at-large governing board members, the
6 two candidates having the most votes shall be declared elected, if each
7 candidate is a qualified elector who resides in that county. The elected
8 member who receives the highest number of votes of the at-large candidates
9 shall serve a four year term and the elected member who receives the next
10 highest number of votes shall serve a two year term. Thereafter each
11 member's term is four years.

12 Sec. 3. Repeal

13 Section 16-322, Arizona Revised Statutes, as amended by Laws 2010,
14 chapter 48, section 3, is repealed.

15 Sec. 4. Section 16-322, Arizona Revised Statutes, as amended by Laws
16 2010, chapter 17, section 21, is amended to read:

17 16-322. Number of signatures required on nomination petitions

18 A. Nomination petitions shall be signed:

19 1. If for a candidate for the office of United States senator or for a
20 state office, excepting members of the legislature and superior court judges,
21 by a number of qualified electors who are qualified to vote for the candidate
22 whose nomination petition they are signing equal to at least one-half of one
23 per cent of the voter registration of the party of the candidate in at least
24 three counties in the state, but not less than one-half of one per cent nor
25 more than ten per cent of the total voter registration of the candidate's
26 party in the state.

27 2. If for a candidate for the office of representative in Congress, by
28 a number of qualified electors who are qualified to vote for the candidate
29 whose nomination petition they are signing equal to at least one-half of one
30 per cent but not more than ten per cent of the total voter registration of
31 the party designated in the district from which such representative shall be
32 elected.

33 3. If for a candidate for the office of member of the legislature, by
34 a number of qualified electors who are qualified to vote for the candidate
35 whose nomination petition they are signing equal to at least one per cent but
36 not more than three per cent of the total voter registration of the party
37 designated in the district from which the member of the legislature may be
38 elected.

39 4. If for a candidate for a county office or superior court judge, by
40 a number of qualified electors who are qualified to vote for the candidate
41 whose nomination petition they are signing equal to at least two per cent but
42 not more than ten per cent of the total voter registration of the party
43 designated in the county or district, provided that in counties with a
44 population of two hundred thousand persons or more, a candidate for a county
45 office shall have nomination petitions signed by a number of qualified

1 electors who are qualified to vote for the candidate whose nomination
2 petition they are signing equal to at least one-half of one per cent but not
3 more than ten per cent of the total voter registration of the party
4 designated in the county or district.

5 5. If for a candidate for a community college district, by a number of
6 qualified electors who are qualified to vote for the candidate whose
7 nomination petition they are signing equal to at least:

8 (a) THROUGH JUNE 30, 2012, one-half of one per cent but not more than
9 ten per cent of the total voter registration in the precinct as established
10 pursuant to section 15-1441.

11 (b) BEGINNING JULY 1, 2012, ONE-QUARTER OF ONE PER CENT BUT NOT MORE
12 THAN TEN PER CENT OF THE TOTAL VOTER REGISTRATION IN THE PRECINCT AS
13 ESTABLISHED PURSUANT TO SECTION 15-1441. NOTWITHSTANDING THE TOTAL VOTER
14 REGISTRATION IN THE COMMUNITY COLLEGE DISTRICT, THE MAXIMUM NUMBER OF
15 SIGNATURES REQUIRED BY THIS SUBDIVISION IS ONE THOUSAND.

16 6. If for a candidate for county precinct committeeman, by a number of
17 qualified electors who are qualified to vote for the candidate whose
18 nomination petition they are signing equal to at least two per cent but not
19 more than ten per cent of the party voter registration in the precinct or ten
20 signatures, whichever is less.

21 7. If for a candidate for justice of the peace or constable, by a
22 number of qualified electors who are qualified to vote for the candidate
23 whose nomination petition they are signing equal to at least two per cent but
24 not more than ten per cent of the party voter registration in the precinct.

25 8. If for a candidate for mayor or other office nominated by a city at
26 large, by a number of qualified electors who are qualified to vote for the
27 candidate whose nomination petition they are signing equal to at least five
28 per cent and not more than ten per cent of the designated party vote in the
29 city, except that a city that chooses to hold nonpartisan elections may by
30 ordinance provide that the minimum number of signatures required for the
31 candidate be one thousand signatures or five per cent of the vote in the
32 city, whichever is less, but not more than ten per cent of the vote in the
33 city.

34 9. If for an office nominated by ward, precinct or other district of a
35 city, by a number of qualified electors who are qualified to vote for the
36 candidate whose nomination petition they are signing equal to at least five
37 per cent and not more than ten per cent of the designated party vote in the
38 ward, precinct or other district.

39 10. If for a candidate for an office nominated by a town at large, by a
40 number of qualified electors who are qualified to vote for the candidate
41 whose nomination petition they are signing equal to at least five per cent
42 and not more than ten per cent of the vote in the town.

43 11. If for a candidate for a governing board of a school district, by a
44 number of qualified electors who are qualified to vote for the candidate
45 whose nomination petition they are signing equal to at least one-half of one

1 per cent of the total voter registration in the school district if the
2 governing board members are elected at large or one per cent of the total
3 voter registration in the single member district if governing board members
4 or joint technical education district board members are elected from single
5 member districts. Notwithstanding the total voter registration in the school
6 district or single member district, the maximum number of signatures required
7 by this paragraph is four hundred.

8 12. If for a candidate for a governing body of a special district as
9 described in title 48, by a number of qualified electors who are qualified to
10 vote for the candidate whose nomination petition they are signing equal to at
11 least one-half of one per cent of the vote in the special district but not
12 more than two hundred fifty and not fewer than five signatures.

13 B. The basis of percentage in each instance referred to in subsection
14 A of this section, except in cities, towns and school districts, shall be the
15 number of voters registered in the designated party of the candidate as
16 reported pursuant to section 16-168, subsection G on March 1 of the year in
17 which the general election is held. In cities, the basis of percentage shall
18 be the vote of the party for mayor at the last preceding election at which a
19 mayor was elected. In towns, the basis of percentage shall be the highest
20 vote cast for an elected official of the town at the last preceding election
21 at which an official of the town was elected. In school districts, the basis
22 of percentage shall be the total number of voters registered in the school
23 district or single member district, whichever applies. The total number of
24 voters registered for school districts shall be calculated using the periodic
25 reports prepared by the county recorder pursuant to section 16-168,
26 subsection G. The count that is reported on March 1 of the year in which the
27 general election is held shall be the basis for the calculation of total
28 voter registration for school districts.

29 C. In primary elections the signature requirement for party nominees,
30 other than nominees of the parties entitled to continued representation
31 pursuant to section 16-804, is at least one-tenth of one per cent of the
32 total vote for the winning candidate or candidates for governor or
33 presidential electors at the last general election within the district.
34 Signatures must be obtained from qualified electors who are qualified to vote
35 for the candidate whose nomination petition they are signing.

36 D. If new boundaries for congressional districts, legislative
37 districts, supervisorial districts, justice precincts or election precincts
38 are established and effective subsequent to March 1 of the year of a general
39 election and prior to the date for filing of nomination petitions, the basis
40 for determining the required number of nomination petition signatures is the
41 number of registered voters in the designated party of the candidate in the
42 elective office, district or precinct on the day the new districts or
43 precincts are effective.

1 Sec. 5. Laws 2010, chapter 48, section 4 is amended to read:

2 Sec. 4. Existing board members

3 Notwithstanding section 15-1441, Arizona Revised Statutes, as amended
4 by this act, all persons serving as members of a community college district
5 governing board in a county with a population of at least three million
6 persons on ~~the effective date of this act~~ JULY 1, 2012 shall continue to
7 serve until the expiration of their normal terms.

8 Sec. 6. Provisional community college districts; real property
9 transfer

10 A county that received real property from the former state board of
11 directors for community colleges may transfer title to that real property to
12 a provisional community college district on or before January 1, 2013. A
13 transfer conducted pursuant to this section is exempt from section 11-251,
14 paragraph 9, Arizona Revised Statutes.

APPROVED BY THE GOVERNOR MAY 11, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2010.